



Filed: 2/17/2005

09400HB0164ham001

LRB094 03609 NHT 40913 a

1 AMENDMENT TO HOUSE BILL 164

2 AMENDMENT NO. _____. Amend House Bill 164 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Section
5 27A-10 as follows:

6 (105 ILCS 5/27A-10)
7 Sec. 27A-10. Employees.

8 (a) A person shall be deemed to be employed by a charter
9 school unless a collective bargaining agreement or the charter
10 school contract otherwise provides.

11 (b) In all school districts, including special charter
12 districts and districts located in cities having a population
13 exceeding 500,000, the local school board shall determine by
14 policy or by negotiated agreement, if one exists, the
15 employment status of any school district employees who are
16 employed by a charter school and who seek to return to
17 employment in the public schools of the district. Each local
18 school board shall grant, for a period of up to 5 years, a
19 leave of absence to those of its teachers who accept employment
20 with a charter school. At the end of the authorized leave of
21 absence, the teacher must return to the school district or
22 resign; provided, however, that if the teacher chooses to
23 return to the school district, the teacher must be assigned to
24 a position which requires the teacher's certification and legal

1 qualifications. The contractual continued service status and
2 retirement benefits of a teacher of the district who is granted
3 a leave of absence to accept employment with a charter school
4 shall not be affected by that leave of absence.

5 (c) Charter schools shall employ in instructional
6 positions, as defined in the charter, individuals who are
7 certificated under Article 21 of this Code or who possess the
8 following qualifications:

9 (i) graduated with a bachelor's degree from an
10 accredited institution of higher learning;

11 (ii) been employed for a period of at least 5 years in
12 an area requiring application of the individual's
13 education;

14 (iii) passed the tests of basic skills and subject
15 matter knowledge required by Section 21-1a of the School
16 Code; and

17 (iv) demonstrate continuing evidence of professional
18 growth which shall include, but not be limited to,
19 successful teaching experience, attendance at professional
20 meetings, membership in professional organizations,
21 additional credits earned at institutions of higher
22 learning, travel specifically for educational purposes,
23 and reading of professional books and periodicals.

24 Charter schools employing individuals without
25 certification in instructional positions shall provide such
26 mentoring, training, and staff development for those
27 individuals as the charter schools determine necessary for
28 satisfactory performance in the classroom. A charter school
29 that is operating in a city having a population exceeding
30 500,000 may not employ an individual in an instructional
31 position who is not State-certified and highly qualified as
32 defined in the federal No Child Left Behind Act of 2001.

33 ~~Beginning with the 2006-2007 school year, at least 50% of~~
34 ~~the individuals employed in instructional positions by a~~

1 ~~charter school that is operating in a city having a population~~
2 ~~exceeding 500,000 and that is established on or after the~~
3 ~~effective date of this amendatory Act of the 93rd General~~
4 ~~Assembly shall hold teaching certificates issued under Article~~
5 ~~21 of this Code.~~

6 ~~Beginning with the 2006-2007 school year, at least 75% of~~
7 ~~the individuals employed in instructional positions by a~~
8 ~~charter school that is operating in a city having a population~~
9 ~~exceeding 500,000 and that is established before the effective~~
10 ~~date of this amendatory Act of the 93rd General Assembly shall~~
11 ~~hold teaching certificates issued under Article 21 of this~~
12 ~~Code.~~

13 Charter schools operating in a city having a population
14 exceeding 500,000 are exempt from any annual cap on new
15 participants in an alternative certification program. The
16 second and third phases of the alternative certification
17 program may be conducted and completed at the charter school,
18 and the alternative teaching certificate is valid for 4 years
19 or the length of the charter (or any extension of the charter),
20 whichever is longer.

21 With respect to a charter school that is operating in a
22 city having a population exceeding 500,000, residency within
23 the city must be considered in determining the employment and
24 compensation of a teacher and whether to retain, promote,
25 assign, or transfer that teacher.

26 Notwithstanding any other provisions of the School Code,
27 charter schools may employ non-certificated staff in all other
28 positions.

29 (d) A teacher at a charter school may resign his or her
30 position only if the teacher gives notice of resignation to the
31 charter school's governing body at least 60 days before the end
32 of the school term, and the resignation must take effect
33 immediately upon the end of the school term.

34 (Source: P.A. 93-3, eff. 4-16-03.)

1 Section 90. The State Mandates Act is amended by adding
2 Section 8.29 as follows:

3 (30 ILCS 805/8.29 new)

4 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8
5 of this Act, no reimbursement by the State is required for the
6 implementation of any mandate created by this amendatory Act of
7 the 94th General Assembly.

8 Section 99. Effective date. This Act takes effect August
9 15, 2005."